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ANGELE DAVIS
COMMISSIONER OF ADMINISTRATION

State of Louisiana

Division of Administration
Office of Human Resources

DIVISION OF ADMINISTRATION

PERSONNEL POLICY NO. 89

EFFECTIVE DATE: **October 10, 2008**

SUBJECT: **Telecommuting**

AUTHORIZATION: _____
Angele Davis, Commissioner of Administration

I. POLICY:

This policy permits management of the Division of Administration (DOA) to allow designated employees in approved positions to telecommute and work at home or another location when the individual employee, his/her supervisor, and section head agree to a telecommuting arrangement. Telecommuting cannot be allowed to adversely affect productivity or the efficient operation of the organization. DOA management will decide whether a specific job may be performed at an alternate work site and whether an individual employee may work effectively without supervision in a telecommuting arrangement.

DOA will allow voluntary telecommuting on a limited basis and only when certain conditions are met, but may invoke mandatory telecommuting in times of disaster or crisis. Employees must recognize that telecommuting is not a right or an entitlement; it is not a department-wide benefit. The agreement is not permanent and it may be modified or terminated if the DOA's needs are not met.

The telecommuting agreement should not be considered an employment contract, and the DOA retains the right to determine who should be considered for participation. The DOA may terminate the telecommuting agreement at its discretion at any time. However, reasonable notice (such as two weeks) will be attempted. If an employee does not want to continue for any reason, they can return to the regular office environment, subject to space availability.

II. PURPOSE:

The purpose of this policy is to establish guidelines and procedures relative to telecommuting. Within that context, the policy should:

- Assist management and employees in understanding the telecommuting environment.
- Provide a general framework for the telecommuter.
- Improve recruitment and retention of employees.
- Improve job satisfaction and employee morale.
- Help employees balance work/life needs and reduce commuting costs.
- Reduce unscheduled absenteeism and turnover.
- Enhance the state's image as an employer of choice and boost the state's image as an innovative employer.
- Advance the Division's efforts to comply with the Governor's Executive Order (BJ 08-08) on Green Government.
- Assist the local community by reducing traffic congestion and vehicular emissions.
- Reduce the impact of traffic jams and bad weather on employee productivity.
- Provide alternatives to continuing operations and essential functions in times of crises.

III. APPLICABILITY:

This policy is applicable to all employees of the Division of Administration, both general and ancillary appropriation.

IV. DEFINITIONS:

Primary Work Site – an employer's place of work where the employee is normally located.

Telecommuting - a work arrangement that allows employees to regularly perform officially assigned job duties at home or other work sites geographically convenient to the residence of the employee and away from his/her primary work site, in accordance with a telecommuting work agreement.

Telecommuting Work Agreement - the written agreement between the employer and the employee that details the terms and conditions of an employee's work away from his/her primary work site. The agreement can be obtained from the Office of Human Resources website at: http://www.doa.louisiana.gov/ohr/forms/forms1.htm

V. SCOPE:

A. Suitability

Successful telecommuting programs include a careful analysis of job characteristics, employee characteristics and manager characteristics. When considering requests from employees, supervisors and section heads should make decisions on a case-by-case basis by analyzing the following criteria:

1. Jobs best suited to telecommuting are those that:

   - Include tasks that can be performed off site and sent to and from the employee's home with ease, speed and confidentiality.
   - Require independent work, such as writing, reading, telephoning, planning, computer programming, word processing and data entry.
   - Require limited face-to-face interaction with managers, colleagues, clients or subordinates.
   - Have clearly defined tasks, objectives and work products.
   - Have measurable work activities or products.
   - Have objectives with identifiable time frames and check points.
   - Can be monitored by output, not time spent doing the job.
   - Have minimal requirements for special equipment or access to materials and files located at the office or primary work site.
   - Can be performed while meeting DOA security requirements.

2. Individuals best suited to telecommuting are those who:

   - Are already familiar with their work, their organization and its culture, and their colleagues; have advanced knowledge about their job duties and responsibilities.
   - Are independent workers needing minimal supervision.
   - Are self-motivated, self-disciplined, and responsible.
   - Have low need for interaction with supervisors, coworkers, etc.
   - Are dependable and trustworthy.
   - Are effective communicators.
   - Are successful in current position meeting goals and objectives.
   - Are successful in current position meeting timelines and deadlines.
   - Are able to provide a clean, safe, dedicated work space equipped with the proper equipment/work tools.
   - Have good time management and organizational skills.
   - Are adaptable to change.
   - Are results oriented.

3. Managers and supervisors who work most effectively with telecommuters are those who:

   - Are skilled at supervision and communication.
   - Empower and trust their employees.
   - Can manage by results or output rather than time spent working.
   - Can establish clear, agreed-upon performance standards and deadlines and evaluate performance by results.
   - Encourage feedback and communication.
   - Are effective problem solvers or facilitators.
   - Support telecommuting as a concept and work to make arrangements successful.
   - Can effectively plan and organize their work and the work of subordinates to facilitate results.

B. Limitations

Telecommuting will be limited to a maximum of three (3) work days per week/ six (6) work days per pay period, unless otherwise approved by the appointing authority. The work days should be designated on the Telecommuting Work Agreement form for a set recurring period. Employees who are supervisors may not be eligible.

C. Eligibility

Before a telecommuting arrangement can be considered, the following conditions must be met:

- Employee must have a PPR rating of Exceeds Expectations or higher on the most recent PPR rating. If an employee receives a PPR rating below Exceeds Expectations while telecommuting, the employee will no longer be eligible for telecommuting.
- Employee must have maintained a good work record prior to making the request to telecommute (for example, no excessive or unexcused absences and no corrective or disciplinary actions within the last 12 months of employment).
- Employee must be a full-time permanent classified employee or a full-time unclassified employee in a permanent unclassified position (i.e., an unclassified position established per Civil Service Rule 4.1(d)2 or through constitutional authority).
- The employee's full range of duties must be suitable to be performed at the alternate work site without direct supervision. This may preclude managers and supervisors from telecommuting.
- Employee must have been continuously employed with the DOA or the current section for at least 12 months.

In addition to the above criteria, the employee must have a suitable place in his home or at the alternate work site in which to work. The employee must be able to supply any needed equipment that cannot or will not be provided by his section. This may include broad band connectivity. The alternate place of work must be a suitably private work environment.

D. Conditions of Employment

Telecommuting does not change the conditions of employment or required compliance with DOA policies and procedures, Civil Service Rules, or any other federal or state laws, policies, and procedures while working at the alternate work site.

An employee's compensation and benefits will not change as a result of telecommuting. Telecommuting should not affect any opportunity for job mobility. However, if the telecommuter's work changes, the new work may not provide telecommuting opportunities.

E. Hours of Work

The telecommuting employee must have an approved work schedule adopted in accordance with DOA policy. Management must ensure proper compliance and documentation of work hours, in particular ensuring compliance with the FLSA and overtime policies and procedures.

The telecommuting employee is expected to maintain at least the same level of availability, levels of production and quality of work as though the employee were working out of the primary work site.

Telecommuting may not be used for child or adult care or to perform other personal business during work hours, or for any purpose for which leave should be requested. If at any time an employee is tending to a dependent child or adult and therefore not performing official duties, the employee must take leave as appropriate. Telecommuting is not to be used for personal accommodation of employees.

Should circumstances arise whereby the telecommuter cannot work at the alternate work location, i.e., loss of electricity, home emergencies, etc., the telecommuter must contact his/her supervisor and he/she may be required to report to the primary work location, a different designated and approved alternate work location, or appropriate leave may be granted.

Employees may work overtime only with supervisory approval and in accordance with DOA and their section's overtime policies. Telecommuting privileges may be canceled for employees who work unapproved overtime.

F. Attendance at Meetings/Reporting to Primary Work Site on Telecommuting Days

Telecommuters are expected to attend all assigned meetings related to the performance of their job, including any held on a telecommuting day. The DOA's needs take precedence over the employee's needs. Business meetings with other employees or clients shall not be held at the alternate work location.

The supervisor or section head may require the telecommuter to report to the primary work site if business needs require it. The telecommuter's refusal to do so may be considered insubordination and subject to disciplinary action.

G. Use of Leave

Telecommuting may not be used in place of annual, sick, Family and Medical, or any other type of leave. Requests to use leave must be approved in accordance with the policy of the DOA and the employee's section.

H. Mileage Reimbursement

A telecommuting employee may not submit nor receive reimbursement if he is required to report to the primary work site. The employee will remain eligible for reimbursement for travel to other locations in accordance with DOA policy and state travel regulations.

I. Equipment and Supplies

To the extent possible, the agency will provide the necessary equipment and supplies that are needed for the telecommuter to perform job duties successfully. This may include desktops, monitors, laptops, storage devices, and other IT equipment provided by the section in accordance with DOA IT and other policies and guidelines. Out of pocket expenses for supplies normally available through the agency will not be reimbursed. It is the DOA's responsibility to maintain and repair any equipment that is supplied to the telecommuter by the DOA. Should a delay in the repair or replacement of equipment occur or any other circumstance under which it would be impossible for the employee to telecommute, the employee may be assigned to do other related work and/or report to the primary work site.

Agency-owned equipment, software, telephone services, supplies and furniture at the alternate work site shall be limited to that authorized by the agency and used only for agency business. Personal use of these materials is prohibited, even during non-working hours. Telecommuters assume responsibility for the physical security of agency equipment, supplies and information in their possession while telecommuting.

The DOA will not be liable for damages to an employee's personal or real property while the employee is working at the approved alternate work site. The telecommuter shall maintain his/her in-home workstation in a safe condition, free from hazards and other dangers to the employee and equipment. When the telecommuter uses his own equipment, he/she shall be responsible for equipment repair and maintenance.

The DOA will not be responsible for operating costs, home maintenance, or any other incidental cost. The employee is responsible for obtaining necessary homeowner's or renter's liability insurance coverage and providing verification thereof if necessary.

Materials, documents, etc., that the telecommuter transports to and from the primary work site to the home office are his responsibility and must be kept confidential and secure. The employee agrees to protect the agency records from unauthorized disclosure or damage and will comply with agency policies and procedures regarding such matters.

Any equipment, supplies, software, hardware, etc., purchased by the agency remains agency property and must be returned at the conclusion of a telecommuting arrangement or when requested by agency management.

Telecommuters using State-provided software will adhere to the manufacturer's licensing agreements, including the prohibition against unauthorized duplication. To protect confidentiality and guard against data contamination, telecommuters will follow agency approved data security procedures.

J. Right to Monitor Work Product and Inspect Alternate Work Site

Telecommuting employees are subject to monitoring of their e-mail, electronic review of their work, unannounced visits or inspections at their alternate work site during normal business hours, and other methods used to adequately document and judge their work product and performance.

K. Workers' Compensation Liability

A telecommuter may be covered for workers' compensation if injured while performing work in the employee's home workspace during work hours as part of an approved Telecommuting Work Agreement. If an injury occurs during work hours, the employee must immediately report the injury to the supervisor. The employee, supervisor, and agency must follow the DOA and state policies regarding the reporting of injuries for employees injured while at work.

The State of Louisiana is not responsible for any injuries to family members, visitors, and others in the employee's home workspace. The telecommuting employee may not have business guests at the alternate workplace or any other location except the agency's offices.

VI. PROCEDURE:

Each section head may consider and approve employees and positions for telecommuting within the restrictions of this policy. The section head should take care not to approve so many requests for telecommuting that supervisors and managers have difficulty managing the telecommuters.

The employee must present to his/her immediate supervisor the Telecommuting Work Agreement.

The supervisor and employee must review all aspects of the telecommuting arrangement, including the manner and frequency of communication, and any

agreed upon performance indicators. If the supervisor is satisfied that the employee and his job duties are suitable for a telecommuting arrangement, the supervisor should then complete his/her portion of the agreement and forward it to the section head with a recommendation.

The section head will review the request and give final approval or denial to the request. Any changes in the agreement must be reviewed with the employee and supervisor in advance and agreed to by both. If the request is denied, the reason why must be provided.

Once the request is approved by the section head, the Telecommuting Work Agreement shall be maintained in the Supervisory file and must be readily

available for audit purposes. A copy must be given to the employee and a copy sent to the Office of Human Resources. **All appropriate sections must be completed prior to the proposed effective date of the Telecommuting Work Agreement.**

Any subsequent revisions to the Telecommuting Work Agreement must be agreed to in writing by the supervisor and employee and approved by the section head. A copy of the revision must be placed in the Supervisory file, given to the employee and sent to the Office of Human Resources. Because telecommuting is based on a combination of job, employee and supervisor characteristics, a significant change in any one of these elements may require a review of the telecommuting agreement. Whenever a major change occurs, (such as a reallocation, change in duties as may occur with a major project reassignment, or a change in position by the telecommuter or supervisor,) the telecommuting agreement must be discussed and possibly rewritten/renewed or terminated if appropriate.

The initial Telecommuting Work Agreement shall be for not more than three (3) months. At least 14 days prior to the end of the three month period, the employee and supervisor shall each complete a written evaluation of the telecommuting arrangement including agreed upon performance indicators and recommend its continuance, modification and/or termination. The evaluation shall be provided to the section head. Copies of each evaluation must also be provided at the same time to the Office of Human Resources. If all parties to the agreement are satisfied with the telecommuting arrangement and/or any modifications that are made, it can be extended by execution of a new Telecommuting Work Agreement. This new agreement can be for up to six (6) months as can any subsequent agreements. Prior to the execution of a new agreement, an evaluation must be conducted of the prior telecommuting arrangement.

Supervisors must review the request and respond in writing to the employee within 30 calendar days of the receipt of a written request and a completed agreement. A copy of the response to the employee should be forwarded to the Office of Human Resources.

Should the employee leave the DOA, choose to no longer telecommute, or the telecommute option end, the DOA will retrieve, or the employee shall return all state owned equipment, software, data files and other state assets from the telecommuting employee. These assets must be returned by the employee, or the state will be allowed to retrieve any assets, within seven (7) calendar days of the termination of the telecommuting agreement.

VII. RESPONSIBILITIES:

Deputy/Assistant Commissioners and equivalent are responsible for:

Holding section heads under their supervision accountable for adhering to all aspects of this policy.

Section Heads are responsible for:

Ensuring there is consistent treatment among employees.

Maintaining a posting of this policy in work locations that are accessible to all employees.

Managers/Supervisors are responsible for:

Complying with this policy as directed by the Section Head.

Reviewing Telecommuting Guidelines. The guidelines can be obtained from the Office of Human Resources website at:
http://www.doa.louisiana.gov/ohr/forms/forms1.htm

Developing a method to audit and monitor an employees' work at the alternate work site to ensure that the employee is complying with the terms of the Telecommuting Work Agreement.

Establish a reporting requirement system to facilitate contact for the employee to receive or turn in assignments.

Office of Human Resources is responsible for:

Providing training and guidance on this policy.

Maintaining a file on those employees who have elected to telecommute and those who requested to telecommute but were denied.

Ensuring that this policy and subsequent revisions are provided to section heads for posting.

Employees are responsible for:

Adhering to all aspects of this policy.

Devoting full attention to job duties.

Having a designated work area at the alternate work site.

VIII. VIOLATIONS:

Failure to comply with provisions of this policy may result in cancellation of the telecommuting arrangement and/or disciplinary action being taken up to and including termination.

Nothing in this policy should be construed as precluding the DOA from taking any appropriate disciplinary action against an employee who fails to comply with the provisions outlined herein.

IX. QUESTIONS:

Questions regarding this policy should be directed to the Office of Human Resources.

X. EXCEPTIONS:

Requests for exceptions to this policy shall be justified, documented and submitted to the appointing authority for consideration.